

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CARL STINSON

COMPLAINANT

VS.

HARDIN COUNTY WATER DISTRICT NO. 2

DEFENDANT

CASE NO. 94-010

O R D E R

On January 4, 1994, Carl Stinson filed a formal complaint against Hardin County Water District No. 2 ("Hardin District No. 2"). Stinson contends that a water bill is "to [sic] high" and requests relief from any obligation to pay such bill.

Commission Regulation 807 KAR 5:001, Section 12(4), requires the Commission to review each formal complaint upon its filing to determine whether the complaint establishes a prima facie case. A complaint establishes a prima facie case when, on its face, it sets forth sufficient allegations that if uncontradicted by other evidence would entitle the complainant to the requested relief. If a complaint fails to establish a prima facie case, the Commission must notify the complainant and provide a reasonable opportunity to amend the complaint.

Stinson's complaint fails to state a prima facie case. In its present form, the complaint is so vague that Defendant cannot reasonably be required to frame a responsive pleading. It does not

state whose water bill is the subject of the complaint or sufficient facts to ascertain why the water bill in question is too high.

Stinson's complaint also fails to comply with Commission Regulation 807 KAR 5:001, Section 12(2), insofar as it is not signed by the complainant or his attorney.

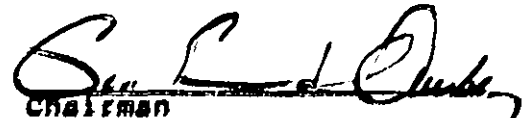
IT IS THEREFORE ORDERED that:

1. Stinson shall have 20 days from the date of this Order to file an amended complaint which sets forth a prima facie case against Hardin District No. 2 and which complies with Commission Regulation 807 KAR 5:001, Section 12(2).

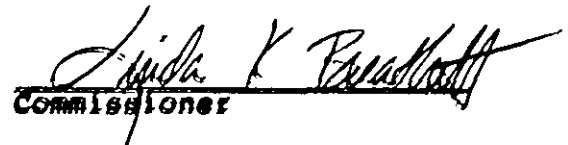
2. In the event that an amended complaint is not filed within 20 days of the date of this Order, this case shall be dismissed without further order.

Done at Frankfort, Kentucky, this 1st day of February, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JAN 04 1994

PUBLIC SERVICE
COMMISSION

In the Matter of:

Carl Stinson
(Your Full Name)
COMPLAINANT

VS.

Hardin Co. Water # 2
(Name of Utility)
DEFENDANT

94-010

C O M P L A I N T

The complaint of Carl Stinson respectfully shows
(Your Full Name)

(a) Carl Stinson
(Your Full Name)

606 Transylvania Etnow, KY
(Your Address)

(b) Hardin Co. Water # 2
(Name of Utility)

P.O. Box 66 Etnow, KY
(Address of Utility)

(c) That: Water Bill too High
(Describe here, attaching additional sheets if

necessary, the specific act, fully and clearly, or facts

that are the reason and basis for the complaint.)

Formal Complaint

Carl Stinson
(Your Name)

vs

Hardin Co Water #2
(Utility Name)

Page 2

Wherefore, complainant asks

Not to pay High
(Specifically state the

Water Bill
relief desired.)

Dated at

Elton KY
(Your City)

, Kentucky, this 22 day

of

December, 19 93.
(Month)

(Your Signature)

(Name and address of attorney, if a

Section 12. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty; the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired. (See Section 15(1))

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) **Procedure on filing of complaint:**

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie

does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground. (See Section 15(2))

Section 15. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.

Before the Public Service Commission
(Insert name of complainant))
COMPLAINANT)
vs.) No. _____
(Insert name of each defendant)) (To be inserted
DEFENDANT) by the secretary)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

(Name of each complainant)

(Name and address of attorney, if any)

(3) Form of answer to formal complaint.

Before the Public Service Commission
(Insert name of)
complainant))
COMPLAINANT)
vs.) No. _____
(To be inserted
) by the secretary)
(Insert name of each)
defendant))
DEFENDANT)

ANSWER

The above-named defendant, for answer to the complaint in the proceeding, respectfully states:

That (here follow specific denials of such material, allegations as are controverted by the defendant and also a statement of any new matter constituting a defense. Continue lettering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

(Name of defendant)

(Name and address of attorney, if any)

CCS-NBR:930180801

ENTRY DATE/TIME: 1-DEC-1993 11:24:16.00 TYPE CONTACT:H

NAME:STINSON, CARL AND ELSIE

HARDIN COUNTY WATER DISTRICT #2

ADRI:606 TRANSYLVANIA

UTIL-NUMBER:00022600

ADR2:

SERV:WA COMP:B2 CONFIDENTIAL:N

CITY:ELIZABETHTOWN STATE:KY ZIP:42701

CONTACTED UTIL?Y DISC.INITIAL CALL?N

CNTY:HARDIN

PRIORITY:Y

HOME PHONE:(502)737-2527 WORK:() -

ACCT-NUMBER:

DATA ENTRY OPERATOR:GS

PRELIMINARY DESCRIPTION:
ACCORDING TO THE CUSTOMER, THEY ARE SENIOR CITIZENS, ON A LIMITED INCOME AND ARE VERY CONSCIENTIOUS ABOUT PAYING THEIR BILLS. RECEIVED A BILL 11-1-93 FOR PROCESSOR NAME:SMITH

PROCESSOR NAME: SMITH

CALL BACK DATE: 1-DEC-1993 11:33:08.00

CALL BACK INFORMATION:
\$36.35 WHICH IS APPROX. \$14 OVER THEIR NORMAL BILL. WHEN THE CUSTOMERS RECEIVED THE BILL, MS. STINSON HAD MR. STINSON CHECK THE WATER METER AND FOUND IT RUNNING VERY FAST. THE CUSTOMERS CALLED THE UTILITY, UTILITY REPRESENTATIVE WENT TO THE STINSON'S AND FOUND THE METER RUNNING EXTREMELY FAST. THE UTILITY REPRES. EXPLAINED TO THE STINSON'S EVIDENTLY THERE WAS A LEAK BETWEEN THE HOUSE AND THE METER WHICH IS THE CUSTOMER'S RESPONSIBILITY. AT THE CUSTOMER'S REQUEST, THE UTILITY REPRESENTATIVE CRAWLED UNDER MR. STINON'S HOUSE TO SEE IF THERE WAS ANY SURFACE WATER UNDER THE HOUSE. THERE APPEARED TO BE NO WATER UNDER THE HOUSE SO THE UTILITY REPRESENTATIVE, USING A PROBE LOCATED THE PROBABLE LEAK APPROX. 2-3-

PROCESSOR NAME: SMITH

CALL BACK DATE: 1-DEC-1993 11:35:02.00

CALL BACK INFORMATION:
FROM THE HOUSE. UTILITY TURNED THE WATER OFF, AND THE CUSTOMER ALONG WITH HIS NEIGHBOR DUG UP THE WATER LINE, REPLACED THE PIPE AND TURNED THE WATER ON. YESTERDAY, MR. & MRS. STINSON WENT TO THE UTILITY'S OFFICE TO MAKE PAYMENT ARRANGEMENTS ON THE \$36.25 BILL, PAID \$22.00 LEAVING A BALANCE OF \$14.25. AT THAT TIME, THE CUSTOMERS WERE ADVISED THAT THE NEXT BILL WILL BE FOR \$759.00 MS. STINSON IS VERY UPSET AND CRYING, STATED THERE IS NO WAY THEY CAN PAY A BILL OF THIS MAGNITUDE. EXPLAINED TO THE CUSTOMER THAT I WOULD GET A BILLING HISTORY PAYMENT HISTORY AND METER HISTORY. CUSTOMER STILL VERY EMOTIONAL, HARD TO UNDERSTAND.

UTIL. REPRESENTATIVE: CASE, O.W.

CONTACT DATE: 1-DEC-1993

UTILITY RESPONSE:
SPOKE WITH THE MANAGER, MR. CASE. MR. CASE VERIFIED MR. STINSON'S EXPLANATION. MR. CASE EXPRESSED CONCERN ABOUT THE UTILITY REPRESENTATIVE GOING UNDER A CUSTOMER'S HOUSE. MR. CASE DID STATED HE HAD OFFERED TO TEST THE METER BUT THE CUSTOMER REFUSED DUE TO THE \$15.00 CHARGE. ALSO, MR. CASE HAD THE METER READING CHECKED ON 11-30-93 AND IT APPEARS CUSTOMER WILL HAVE A USAGE OF 1600 GALLONS FOR THE PERIOD OF 11-15-93 THROUGH 11-30-93, WHICH INDICATES THE LEAK HAS BEEN REPAIRED. UTILITY DOES NOT HAVE A LEAK ADJUSTMENT POLICY, BUT IS WILLING TO WORK ON A PAYMENT AGREEMENT. MR. CASE STATED MS. STINSON WAS VERY RUDE TO THE UTILITY'S OFFICE PERSONNEL ON 11-30-93.

FINAL NAME: SMITH

FINAL DATE: 20-DEC-1993 23:00:00.00

FINAL DISPOSITION:

Spoke with Ms. Stinson. Explained that since the water actually went through the meter this was a valid bill. Explained that Hardin County Water District had agreed to payment arrangements on this account if Ms. Stinson would contact the utility. Ms. Stinson is very upset and very verbal about having this bill adjusted except for the normal usage. Customer agrees there was a leak on their side of the meter, however until the utility explains where this water went the customer is very adamant about not paying this bill. Explained the formal complaint process - customer requested the formal complaint forms. Mailed the formal complaint forms to Mr. & Mrs. Stinson.
